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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SUNSET COMMERCIAL LLC, a Nevada
Limited Liability Company,

Plaintiff,

vs.

BAYER CROPSCIENCE, INC., a New York
Corporation; MONTROSE CHEMICAL
CORPORATION OF CALIFORNIA, a
Delaware Corporation; ATLANTIC
RICHFIELD COMPANY, a Delaware
Corporation; OLIN CORPORATION, a
Virginia Corporation, TITANIUM METALS
CORPORATION, a Delaware Corporation;
NL INDUSTRIES, INC., a New Jersey
Corporation; LE PETOMANE XXVII, INC.,
an Illinois Corporation, in its representative
capacity as the NEVADA
ENVIRONMENTAL RESPONSE TRUST
TRUSTEE; and the UNITED STATES OF
AMERICA.

Defendants.

Case No. 2:23-CV-02081-GMN-BNW

**MOTION TO EXTEND DEADLINE FOR
PARTIES TO FILE DISCOVERY PLAN
AND SCHEDULING ORDER**

Plaintiff Sunset Commercial LLC (“Sunset” or “Plaintiff”), by and through its undersigned counsel, hereby requests an extension of time for the parties to file the Discovery Plan and Scheduling Order in this matter. In support of this Motion, Sunset states as follows:

1. The parties’ current deadline to file the Discovery Plan and Scheduling Order is August 15, 2024.

1 2. Sunset has been engaged in productive settlement conversations with various
2 Defendants.

3 3. Sunset and Defendant United States have reached an agreement in principle for
4 settlement, subject to Defendant Atlantic Richfield Company's confirmation that it will participate in
5 the settlement according to the latest terms proposed by the United States. The United States'
6 agreement in principle is subject to final approval by those with authority within the United States
7 government.

8 4. Sunset believes an extension by this Court of the time within which the parties must
9 file a Rule 26(f) Discovery Plan and Proposed Scheduling Order (the "Rule 26 Filing") from
10 **August 15, 2024** through and including **September 30, 2024** would be beneficial in an effort to
11 minimize time the parties must spend to meet and confer and draft the Rule 26 filing while they
12 continue with settlement negotiations to resolve as much of this case as possible at this early stage of
13 litigation.

14 5. Defendants United States, Atlantic Richfield Company, Bayer CropScience, Inc., Le
15 Petomane XXVII, Inc., in its representative capacity as the Nevada Environmental Response Trust
16 Trustee, and Montrose Chemical Corporation of California have indicated they do not oppose this
17 Motion.

18 6. This would be the third extension of this deadline and is made in good faith and not
19 for purposes of delay. *See* LR IA 6-1(a).

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1 In light of the foregoing circumstances, Sunset requests that the Court order the deadline for
2 filing the Rule 26(f) Discovery Plan and Scheduling Order to and including September 30, 2024.

3 DATED: August 15, 2024.

4 PARSONS BEHLE & LATIMER

5 By: /s/ Ashley C. Nikkel
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12 **ORDER**

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14 **IT IS SO ORDERED.**

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UNITED STATES MAGISTRATE JUDGE

16 Dated: 8/23/2024

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of Parsons Behle & Latimer and that on the 15th day of August, 2024, I filed a true and correct copy of the foregoing document, **MOTION TO EXTEND DEADLINE FOR PARTIES TO FILE DISCOVERY PLAN AND SCHEDULING ORDER**, with the Clerk through the Court's CM/ECF system, which sent electronic notification to all registered users as follows:

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Corporation, in its representative capacity as
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Trust

10 /s/ Roni L. Shaffer
11 Employee of Parsons Behle & Latimer
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